

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS

DONALD DEMILLE BAKER,  
*Prisoner #00769-081,*

Plaintiff,

v.

DR. ZOKE, *Clinical Director, BOP, Marion,*

Defendant.

Case No. 08-cv-177-JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on Magistrate Judge Clifford J. Proud's Report and Recommendation ("R & R") (Doc. 19) of November 10, 2010, wherein it is recommended that the Court deny Plaintiff Donald Demille Baker's Motion for Default Judgment (Doc. 13), grant Defendant Dr. Zoke's Motion to Dismiss (Doc. 17), and direct entry of judgment.

After reviewing a report and recommendation, the Court may accept, reject, or modify, in whole or in part, the findings or recommendations of the magistrate judge in the report. Fed. R. Civ. P. 72(b). The Court must review *de novo* the portions of the report to which objections are made. The Court has discretion to conduct a new hearing and may consider the record before the magistrate judge anew or receive any further evidence deemed necessary. *Id.* "If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error." *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

Here, neither party has filed an objection to Magistrate Judge Proud's R & R. Subsequently, the Court has reviewed the R & R for clear error and finds that it is not clearly erroneous. As such, the Court **ADOPTS** the R & R (Doc. 19) in its entirety, whereby the Court **DENIES** Baker's Motion

for Default Judgment (Doc. 13), **GRANTS** Dr. Zoke's Motion to Dismiss (Doc. 17), and **DISMISSES** Dr. Zoke **without prejudice**. Further, the Court **DIRECTS** the Clerk of Court to enter judgment accordingly.

**IT IS SO ORDERED**  
**DATED: February 7, 2011**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**